

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINARECEIVED  
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2005 MAY 18 P 4:12

Anthony Ferguson, # 96339-071,

Petitioner,

-vs-

United States of America,

Respondent.

Civil Action No. 8:04-426-SB

ORDER

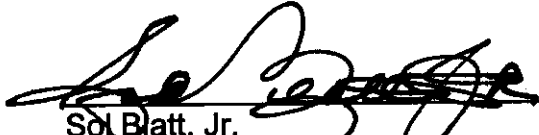
This matter is before the Court on the pro se Petitioner's request for writ of habeas corpus, pursuant to 28 U.S.C. § 2241. By local rule this action was referred to United States Magistrate Judge Bruce H. Hendricks for initial review.

On April 2, 2004, the Magistrate Judge issued a report analyzing the complaint and recommending that the same be dismissed without prejudice, as the appropriate process for challenging the application of the Sentencing Guidelines is via a motion to vacate under 28 U.S.C. § 2255. Attached to the report and recommendation was a notice giving the Petitioner 10 days in which to file written objections. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a magistrate judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985). Here, since objections were not filed, there are no portions of the report and recommendation to which a de novo review must be conducted. Accordingly, the Magistrate Judge's report and recommendation is hereby adopted as the Order of this Court, and it is

ORDERED that this action is dismissed without prejudice and without requiring the Respondent to file a return.

IT IS SO ORDERED.

  
Sol Blatt, Jr.  
Senior United States District Judge

May 18, 2005  
Charleston, S.C.

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